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Rules, Regulations, Orders

TITLE 8—ALIENS AND CITIZENSHIP

IMMIGRATION AND NATURALIZATION SERVICE

[Second Supplement to General Order No. C-1 [1]]

PORT OF ENTRY FOR ALIENS

MAIDA, NORTH DAKOTA

AUGUST 13, 1938.

Pursuant to the authority contained in Section 23 of the Immigration Act of 1917 (Act of February 5, 1917, 39 Stat. 892; 8 U. S. C. 102), Maida, North Dakota, is hereby designated as a port for the entry of aliens into the United States.

Sec. 11.31, Title 8, Code of Federal Regulations (Rule 3, Subdivision A, Paragraph 1 of the Immigration Rules and Regulations of January 1, 1930, Edition of December 31, 1936), is amended by inserting Maida, North Dakota, between Hannah, North Dakota, and Neche, North Dakota, in the list of ports of entry for aliens in District #13.

[SEAL] EDW. J. SHAUGHNESSY,
Deputy Commissioner Immigration and Naturalization.

Approved:

FRANCES PERKINS
Secretary.

[F. R. Doc. 38-2403; Filed, August 16, 1938; 2:22 p. m.]

[1] 3 F. R. 1657 DI.

TITLE 49—TRANSPORTATION AND RAILROADS

INTERSTATE COMMERCE COMMISSION

ORDER IN THE MATTER OF STATISTICAL REPORTS OF CLASS I MOTOR CARRIERS OF PASSENGERS

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 1st day of August, A. D. 1938.

The subject of statistical reports of Class I motor carriers of passengers being under consideration:

It is ordered, That each and every Class I common or contract motor carrier of passengers subject to the provisions of Section 220 of the Motor Carrier Act, 1935, shall and it is hereby required to make under oath a report every three months of revenues, expenses, and other statistics in accordance with attached quarterly form which is made a part of this order, each of said quarterly reports to be filed in duplicate in the office of the Secretary of the Interstate Commerce Commission within 30 days after the close of the period to which it relates and the first report to be for the three months ending September 30, 1938.

And it is further ordered, That each and every said Class I motor carrier of passengers shall and it is hereby required to make a report each month of total passenger revenue and number of passengers carried, in accordance with attached monthly form which is made a part of this order,[1] each said monthly report to be filed in duplicate in the office of the Secretary of the Interstate Commerce Commission within 30 days after the close of the month to which it relates and the first report to be for the month of August, 1938.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 38-2406; Filed, August 17, 1938; 11:49 a. m.]

[1] Filed as a part of the original document with the Division of the Federal Register, The National Archives; requests for copies should be addressed to the Interstate Commerce Commission.

ORDER IN THE MATTER OF STATISTICAL REPORTS OF CLASS I MOTOR CARRIERS OF PROPERTY

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 1st day of August, A. D. 1938.

The subject of statistical reports of Class I motor carriers of property being under consideration:

It is ordered, That each and every Class I common or contract motor carrier of property subject to the provisions of Section 220 of the Motor Carrier Act, 1935, shall and it is hereby required to make under oath a report every three months of revenues, expenses, and other statistics in accordance with attached quarterly form which is made a part of this order,[1] each of said quarterly reports to be filed in duplicate in the office of the Secretary of the Interstate Commerce

[1] Filed as a part of the original document with the Division of the Federal Register, The National Archives; requests for copies should be addressed to the Interstate Commerce Commission.

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FEDERAL REGISTER

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Commission within 30 days after the close of the period to which is relates and the first report to be for the three months ending September 30, 1938.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 38-2408; Filed, August 17, 1938; 11:50 a. m.]

Notices

INTERSTATE COMMERCE COMMISSION.

[No. MC C 91]

RATES, ETC., ON CANNED GOODS AND DRIED FRUIT IN FAR WEST

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 25th day of July, A. D. 1938.

The said Division having under consideration the subject of the rates, charges, rules, regulations, and practices applicable to the transportation of certain commodities, by common carriers by motor vehicle from and to points as hereinafter described:

It is ordered, That an investigation be, and it is hereby, instituted by the said Division upon its own motion, into and concerning the reasonableness and lawfulness otherwise, of rules, regulations and commodity rates on canned goods, dried fruit and related commodities published in Item No. 480 on page 31 and Item No. 910 on page 36 of Western States Motor Freight Tariff Bureau joint tariff No. 4, Agents F. C. Paist's MF-I. C. C. No. 6 and D. C. Stone's MF-I. C. C. No. 10; also Item No. 3510-C on 2nd revised page 128-A in so far as it applies from or to Denver, Colo., or Cheyenne, Wyo., and Item No. 3661 on 3rd revised page 135 of Intermountain-Coast Motor Freight Tariff Bureau tariff No. 1, Agent A. L. Greenawalt, Jr's MF-I. C. C. No. 1, with a view to making such findings in the premises and prescribing such just, reasonable and otherwise lawful rates, rules, regulations and practices, if any, as the facts and circumstances shall appear to require;

It is further ordered, That all common carriers by motor vehicles participating in the rates hereinabove referred to be, and they are hereby, made respondents to this proceeding, that this order be served upon said respondents, and that notice to the public be given by posting a copy of this order in the office of the Secretary of the Commission;

And it is further ordered, That the above-entitled matter be, and it is hereby, referred to Examiner Michael T. Corcoran for hearing on the 25th day of October, A. D. 1938, at the Colorado Public Utilities Commission, Denver, Colo., at 10 o'clock a. m. (Standard Time);

And it is further ordered, That any party desiring to be notified of any change in the time or place of the said hearing (at his own expense if telegraphic notice becomes necessary) shall advise the Bureau of Motor Carriers of the Commission, Washington, D. C., to that effect by notice which must reach the said Bureau within ten days from the date of service hereof and that the date of mailing of this notice shall be considered as the time when said notice is served.

By the Commission, division 5.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 38-2409; Filed, August 17, 1938; 11:50 a. m.]

NOTICE TO MOTOR CARRIERS OF PASSENGERS

AUGUST 12, 1938.

There is attached hereto a copy of the Commission's order of August 1, 1938,[1] prescribing a quarterly and a monthly report to be submitted by each Class I Motor Carrier of Passengers subject to the provisions of Section 220 of the Motor Carrier Act, 1935.

Class I carriers are required to submit a report in duplicate showing the revenues and number of passengers carried beginning with the month of August, 1938, and monthly thereafter. Three copies of the form of report are enclosed, two of which should be completed for the month of August, 1938, and forwarded to the Commission not later than September 30, 1938, the third copy being for your files.

[1] See p. 2021.

Beginning with the quarter ending September 30, 1938, and quarterly thereafter, Class I carriers are also required to submit a report in duplicate of their revenues, expenses and statistics. Carriers which keep their accounts on a four-week instead of a calendar month basis may report three such four-week periods in each of the returns for the first three quarters and the four remaining periods in the last quarter. Three copies of the form to be used for this purpose are attached. This form also provides for reporting the cumulative figures for the year 1938, and certain quarterly and cumulative figures for the year 1937. The cumulative figures for each year must include the results of operations from January 1st of each year to and including the last day of the quarter for which the report is rendered. Attention is directed to the fact that for 1937 information is not required for items 3 to 8, inclusive, and items 10 to 20, inclusive, but the totals must include the amounts which would normally be reported under those items.

Additional supplies of the forms will be furnished each Class I carrier for rendering subsequent reports.

Class I motor carriers, as defined in the Uniform System of Accounts for Common and Contract Motor Carriers of Passengers, are those carriers whose average gross revenues from *intrastate and interstate motor carrier operations* combined are $100,000 or more per annum. It is further provided in the accounting regulations, effective January 1, 1938, that Class I carriers shall be determined upon the basis of the average gross revenues from intrastate and interstate motor carrier operations for the three years preceding January 1, 1938. If, however, a carrier, whose annual revenues have been less than $100,000, under this definition, acquires additional operating authority through purchase or otherwise and the annual revenues of the combined operations are $100,000 or more, such carrier shall be included in the Class I group of carriers effective as of January 1st of the year following that in which the new operations began.

Any carrier receiving this order which is not a Class I carrier, as defined above, shall promptly notify the Commission to that effect, supporting such statement with the amount of its gross revenues for each of the years 1935, 1936, and 1937.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 38-2405; Filed, August 17, 1938; 11:49 a. m.]

NOTICE TO MOTOR CARRIERS OF PROPERTY

AUGUST 12, 1938.

There is attached hereto a copy of the Commission's order of August 1, 1938,[1]

[1] See p. 2021.

prescribing a quarterly report to be submitted by each Class I Motor Carrier of Property subject to the provisions of Section 220 of the Motor Carrier Act, 1935.

Beginning with the quarter ending September 30, 1938, and quarterly thereafter, Class I carriers are required to submit a report in duplicate of their revenues, expenses and statistics. Carriers which keep their accounts on a four-week instead of a calendar month basis may report three such four-week periods in each of the returns for the first three quarters and the four remaining periods in the last quarter. Three copies of the form to be used for this purpose are attached, one of which is for your files. This form also provides for reporting the cumulative figures for the year 1938, and certain quarterly and cumulative figures for the year 1937. The cumulative figures for each year must include the results of operations from January 1st of each year to and including the last day of the quarter for which the report is rendered. Attention is directed to the fact that for 1937 information is not required for items 3 and 4, and items 6 to 16, inclusive, but the totals must include the amounts which would normally be reported under those items. Attention is also directed to the fact that for 1937, items 1 and 2, 19 and 20, and 22 and 23 should be combined.

Additional supplies of the form will be furnished each Class I carrier for rendering subsequent reports.

Class I motor carriers, as defined in the Uniform System of Accounts for Common and Contract Motor Carriers of Property, are those carriers whose average gross revenues from *intrastate and interstate motor carrier operations combined* are $100,000 or more per annum. It is further provided in the accounting regulations, effective January 1, 1938, that Class I carriers shall be determined upon the basis of the average gross revenues from intrastate and interstate motor carrier operations for the three years preceding January 1, 1938. If, however, a carrier, whose annual revenues have been less than $100,000 under this definition, acquires operating authority through purchase or otherwise and the annual revenues of the combined operations are $100,000 or more, such carrier shall be included in the Class I group of carriers effective as of January 1st of the year following that in which the new operations began.

Any carrier receiving this order which is not a Class I carrier, as defined above, shall promptly notify the Commission to that effect, supporting such statement with the amount of its gross revenues for each of the years 1935, 1936, and 1937.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 38-2407; Filed, August 17, 1938; 11:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of August, A. D. 1938.

[File No. 34-7]

IN THE MATTER OF MIDLAND UTILITIES COMPANY

ORDER ADJOURNING HEARING

The Commission having on August 2, 1938, issued its notice of and order for hearing[1] on August 19, 1938, at 10:00 A. M., in Room 1102 at 1778 Pennsylvania Avenue, N. W., Washington, D. C., on the application of Melvin L. Emerich, Robert P. Minton and Leo J. Sheridan as a Committee for the holders of debentures of Midland Utilities Company, pursuant to Sections 11 (f) (1) and 11 (g) of the Public Utility Holding Company Act of 1935, for approval of and report on a Plan of Reorganization of Midland Utilities Company dated December 30, 1936 and amended on July 26 and July 30, 1938; and

The Commission having been advised of the recent death of John M. Shannahan, one of the Trustees of the estate of Midland Utilities Company appointed by order made July 7, 1934 by the District Court of the United States for the District of Delaware in the Matter of Midland United Company, Debtor, No. 1073, and of arrangements for his funeral on August 19, 1938; and

The Commission having by reason thereof been requested by said Committee to adjourn said hearing;

It is hereby ordered, That said hearing on said Plan of Reorganization as amended of Midland Utilities Company be and the same hereby is adjourned to August 23, 1938, at the same time and place.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-2410; Filed, August 17, 1938; 12:49 p. m.]

[1] 3 F. R. 1931 DI.

UNITED STATES CIVIL SERVICE COMMISSION.

CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS MONDAY, AUGUST 15, 1938

Important.—Although the apportioned classified civil service is by law located only in Washington, D. C., it nevertheless includes only about half of the Federal Civilian positions in the District of Columbia. Positions in local post offices, customs districts, and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupied, by original appointment, a position in the apportioned service, the charge for his appointment continues to run against his State of original residence. Certifications of eligibles are first made from States which are in arrears.

State	Number of positions to which entitled	Number of positions occupied
IN ARREARS		
1. Puerto Rico	578	37
2. Hawaii	138	15
3. California	2,124	757
4. Texas	2,179	876
5. Alaska	22	9
6. Louisiana	786	370
7. Michigan	1,811	854
8. Arizona	163	81
9. New Jersey	1,512	776
10. South Carolina	650	371
11. Ohio	2,486	1,466
12. Oklahoma	896	538
13. Arkansas	694	424
14. Alabama	990	610
15. Mississippi	752	464
16. New Mexico	158	102
17. North Carolina	1,186	779
18. Georgia	1,088	732
19. Kentucky	978	670
20. Wisconsin	1,099	835
21. Tennessee	979	747
22. Illinois	2,854	2,178
23. Connecticut	601	476
24. Nevada	34	27
25. Delaware	89	80
26. Oregon	357	321
27. Indiana	1,211	1,091
28. Florida	549	504
29. New York	4,709	4,388
30. Utah	190	178
31. Wyoming	84	79
32. Pennsylvania	3,603	3,405
33. Idaho	166	159
34. New Hampshire	174	168
35. Washington	585	568
36. Colorado	387	381
37. Rhode Island	257	256

State	Number of positions to which entitled	Number of positions occupied	Net gain or loss since July 1, 1938
QUOTA FILLED			
38. Maine	298	298	−2
IN EXCESS			
39. West Virginia	647	648	−2
40. Massachusetts	1,590	1,598	+8
41. Kansas	704	712	−12
42. Vermont	135	140	−1
43. North Dakota	255	266	+15
44. Missouri	1,358	1,420	−10
45. Minnesota	959	1,038	−14
46. South Dakota	259	294	+7
47. Montana	201	230	+2
48. Iowa	924	1,091	+11
49. Nebraska	515	629	+1
50. Virginia	968	1,942	−2
51. Maryland	610	1,847	−3
52. District of Columbia	182	8,740	−18

GAINS	
By appointment	136
By reinstatement	4
By transfer	56
Total	196
LOSSES	
By separation	64
By transfer	36
Total	100
Total appointments	46,665

Note.—Number of employees occupying apportioned positions who are excluded from the apportionment figures under Section 2, Rule VII, and the Attorney General's opinion of August 25, 1934, 14,013.

By direction of the Commission.

[SEAL] L. A. MOYER,
Executive Director and Chief Examiner.

[F. R. Doc. 38-2404; Filed, August 17, 1938; 10:50 a. m.]